



**Amherst County Board of Supervisors
County Ordinance No. 2022-0006**

AN ORDINANCE, NO. 2022-0006

Amending §§ 801 and 1207, of Appendix A – Zoning and Subdivision, of the Code of the County of Amherst, relating to utility, cemetery, storm-water facility lots and storm-water divisions.

Approved as to form and legality by the Amherst County Attorney

**FIRST READING: Board of Supervisors, August 2, 2022
PUBLIC HEARING: Board of Supervisors, August 16, 2022**

THE COUNTY OF AMHERST HEREBY ORDAINS:

§ 1. That §§ 801 and 1207, of Appendix A – Zoning and Subdivision, of the Code of the County of Amherst, relating to utility, cemetery, storm-water facility lots and storm-water divisions, of the Code of Amherst County, 1987, be and herby enacted, as follows:

APPENDIX A – ZONING AND SUBDIVISIONS

Article VIII. Other Requirements of Zoning Districts

801. Minimum lot area and lot width.

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801.04. Utility, Cemetery and Storm-Water Facility lots. Within districts permitting utility, cemetery and or storm-water facility lots, there are no minimum lot area and lot width requirements except as provided herein in special circumstances and/or as may be required by the board of supervisors, planning commission and/or board of appeals.

801.045. Health department approval. Area requirements in paragraphs 801.01 and 801.02 are subject to the approval of the health department, and in special circumstances larger lot areas may be required due to health department regulations.

Article XII. - Subdivision Platting Requirements

1207. - Administrative review of certain plats.

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1207.04. Utility, Cemetery and Storm-Water Divisions. The applicant shall submit five (5) copies of the plat to the planning department for review and approval. The zoning administrator or planning director will complete the review within sixty (60) days of receipt of the plat. Once a determination has been made that the plat meets the standards of this ordinance, the zoning administrator or planning director shall approve it and sign the plat.

The applicant shall be responsible for recording the plat in the office of the clerk of the circuit court within six (6) months of approval or it will become invalid. The utility, cemetery and or storm-water division plat shall clearly show the following information:

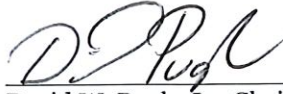
1. Every plat which is intended for recording shall be prepared by a certified professional engineer or land surveyor, who shall endorse upon each such plat a certificate signed by him or her setting forth the source of title of the owner(s) of the land(s) involved in the family division and the place of record of the last instrument(s) in the chain of title;
2. Date of plat;
3. Scale;
4. North Arrow;
5. Adjoining property owners;
6. Bearings and distances of all lines surveyed as part of the cemetery, storm-water facility or utility division;
7. An execution of the owner's consent to subdivision, in accordance with Code of Virginia, § 15.2-2264, as amended, stating that "The platting or dedication of the following described land (here insert a correct description of the land subdivided) is with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees, if any";
8. Acreage of the conveyed property;
9. The acreage and frontage width of the remainder or a statement certifying the surveyor's knowledge that the remainder of the property meets the minimum acreage and frontage width requirements;
10. Building setback lines, with distance to street right-of-way and length of the setback line for each lot;
11. Tax map section, block and lot number;
12. Plat clearly labeled as either a utility, cemetery or storm-water facility division;
13. Space for signatures of approval of the zoning administrator, a Virginia Department of Transportation representative, a Virginia Department of Health representative, and in the case of property to be served by public utilities or located in a watershed district, the director of public utilities for the Amherst County Service Authority or a representative of the Town of Amherst, as appropriate;
14. Sufficient dedicated easement to the county to meet the standards of the Virginia Department of Transportation when a lot fronts on a state maintained road;
15. All utility, cemetery or storm-water facility lots not fronting on a public road shall provide for the conveyance of a right-of-way twenty (20) feet in width;
 - a. Name and signature of any owners of property over which a right-of-way traverses which is intended to provide required access to the utility, cemetery and or storm-water facility lot. The signature block shall include the following statement: "The owners understand and accept the prescribed right-of-way on their property as a means of access to a subdivision of property. It is understood and accepted that maintenance of the access road will take place within the right-of-way."
16. All proposed cemetery lots shall meet the following provisions:
 - a. Any burial plot on land abutting a public or private street shall comply with the required front-yard setback of the underlying zoning district and twenty-five (25) feet from all property lines. In addition, cemeteries shall comply with all state regulations, including setbacks from residential uses and public water supplies.
 - b. Arrangements for perpetual maintenance of the cemetery shall be in compliance with all applicable governmental laws and regulatory requirements of the Perpetual Private Cemetery Maintenance Agreement and shall be approved by the county attorney as to form.

c. Cemeteries and distance from wells. All cemeteries shall meet the requirements set forth by the Virginia Department of Health.

~~16-17. A notation on the plat that the lot is not a building lot.~~

§ 2. That this ordinance shall be in force and effect upon adoption.

Adopted this 16th day of August 2022.



David W. Pugh, Jr., Chair
Amherst County Board of Supervisors

Member

	Vote
David W. Pugh, Jr., Chair	<u>AYE</u>
Tom Martin, Vice-Chair	<u>AYE</u>
L. J. "Jimmy" Ayers, III	<u>AYE</u>
Claudia D. Tucker	<u>AYE</u>
Drew Wade	<u>AYE</u>

ATTEST:



Dean C. Rodgers, Clerk
Amherst County Board of Supervisors